

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS AND COLLEEN MEYERS,

Plaintiffs,

v.

PROTECTIVE INSURANCE  
COMPANY

Defendant.

CIVIL ACTION NO. 3:16-CV-01821

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 27th day of January, 2017, **IT IS HEREBY ORDERED** that:

- (1) Defendant's Motion to Dismiss (Doc. 3) is **GRANTED in part and DENIED in part**:
  - (a) All references to a fiduciary duty are to be stricken from the Complaint;
  - (b) Plaintiffs' bad faith claims are **DISMISSED without prejudice**; and
  - (c) Plaintiffs will be permitted to proceed on their loss of consortium claim.
- (2) Plaintiffs have **twenty-one (21) days** from the date of entry of this Order to file an Amended Complaint to properly plead their bad faith claims, and to remove all references to a fiduciary duty from the Complaint; otherwise, the bad faith claims will be **dismissed with prejudice**.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge